

**Wilmington Environmental Restoration Committee, Inc. (WERC)
7 Chandler Road
Wilmington, MA 01887**

October 26, 2020

Lynne Jennings, Section Chief
Massachusetts NPL Sites
USEPA Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912
(via email)

Proposed Plan, Olin Chemical Superfund Site, Wilmington, MA
August, 2020

Dear Ms. Jennings:

WERC appreciates the opportunity to submit written comments on EPA's proposals for cleaning up the Olin Chemical Company's property at 51 Eames Street, and for addressing the most contaminated areas of groundwater throughout the site. We also appreciate EPA's willingness to extend the comment period to allow us and others more time to try and review the more than 1,100 pages of technical documentation Olin and EPA released in August. Some of the information contained in the 3 volumes under review is not new, but some of it is, and in context of EPA's actual proposals and recommendations, it has been challenging to fully understand the ramifications of your proposed plan. So, we thank you for the extra time.

As some of us stated in our respective oral testimony during EPA's 'virtual hearing' on September 22nd, conducting a robust review with our membership and even WERC's Tech Team has also been challenging. We understand why EPA felt the need to conduct both the public information meeting in August and the hearing remotely, but you must understand that the 'virtual' implementation severely limited the participation of more casual but still very concerned residents in both Wilmington and Woburn. We hope to fairly represent them and their concerns in our comments. In addition, the current concerns over Covid-19 also limited our internal interactions and ability to meet and discuss our points of view.

Much of what we have to say, EPA has heard from us repeatedly over the last 15 years, and MADEP for the last 25 years or more. We feel strongly that our frustration over the lack of progress at this site in the preceding decades is justified, and that Olin's failure to act on a host of possible remedies in that same period is unconscionable. Our hopes and expectations in EPA's plan had been that our issues would be addressed in full, and that EPA would be requiring the maximum effort by Olin on all fronts to finally stop kicking the proverbial can down the road to the future, and actually begin cleaning up the entire site. We are only partially mollified by what you and your team have presented.

Before presenting critiques on specific elements of the plan, we want to remind EPA of some of our 'bigger picture' issues. First and foremost, groundwater contamination (OU3) is the sole reason the Olin site was elevated to the National Priorities List in 2006. Why has groundwater consistently been left to last in being addressed behind soil and sediment on Olin's parcel of property? EPA's focus always should have been and must now be determining the full extent and severity of the groundwater contamination throughout the entire site. The proposed Interim Action to remove the worst of the worst groundwater is a good first step, but it is only a half-measure. [WERC prefers Alternative GWHS-4 rather than GWHS-3 as EPA proposes.]

WERC is fully aware that Olin's intent in furthering the remedial investigation of OU3 is not the same as ours. In fact, they have made it abundantly clear that they plan on filing a Waiver of Technical Infeasibility to avoid having to remove NDMA and other contaminants of concern (CoCs) from the Maple Meadow Brook Aquifer (MMBA) and from the groundwater supplying private wells in south Wilmington. We will hold out hope for an actual Record of Decision (RoD) for all of the OU3 groundwater in the not-so-distant future, but until then this current plan represents our only opportunity to urge EPA to take the most protective steps now. Many of us cannot wait another 15-25 years for substantive action to address the only reason this site is on the NPL.

Please note that WERC continues its steadfast opposition to any redevelopment at the Olin property before all OU3 investigations are completed and the OU3 Feasibility Study is approved. We also believe EPA has fallen short in failing to require that Olin identify the source of NDMA once and for all. Recent studies have identified additional nitrosamines that pose danger to human health. Aside from one sampling event done several years ago, WERC is not aware of any other investigations to identify other nitrogen compounds related to the manufacturing processes through the decades, or which may have resulted from Olin's various attempts to reduce hydrazine and ammonia levels, which are both present in the Plant B area, as well as widespread across the site, particularly ammonia. If you don't know what's there, and in what amounts, how and when can you declare that it has all been remediated?

WERC has also asked repeatedly that the Zone II contribution area to Wilmington's municipal wells in the MMBA be revised from the 1990 Aquifer Study. So much has changed in terms of the area's hydrological and hydraulic demands in the last 20 years. Altron/Sanmina and the Town have ceased pumping. Olin constructed the Containment Area in 2000, and replaced the weir in the South Stream. Each of these developments affects the groundwater flows, and a new delineation is important in understanding future impacts of remedial activities and siting of any redevelopment.

We also have concerns regarding the outfall of the NPDES discharges and placement of proposed remedial structures. Over the years Olin has presented various scenarios showing how the groundwater and surface water divides between the Ipswich and Aberjona watersheds vary seasonally and under various pumping demands. Regardless of Olin's attempts to show

that very little of their property lies within Wilmington's 1990 Zone II, contamination from Olin reached our town's wells, and has migrated off-property in all directions. EPA should require that the Zone II be revised to reflect current conditions, so as to best protect both watersheds from further degradation related to the site. Failing that, EPA should remediate all water related to the site to drinking water standards, as EPA represented they would to us in the past.

It is important to remember that the Olin site has been overseen by local, state and federal regulators for decades prior to its listing on the NPL. Over the years many interim attempts to remediate various areas on the property were reviewed by those authorities, who in turn granted approvals with restrictions and conditions. These limitations on the property must be borne in mind when designing and siting future remedial and/or redevelopment structures.

One instance, a major stipulation of the Wilmington Conservation Commission's Order of Conditions and the U.S. Army Corps of Engineers' Water Quality Certification, which was incorporated into the MEPA approval in permitting work done in 2000, prohibits any further permanent alteration or removal of wetlands on the property. Temporary alteration is allowed for essential remedial activities and facilities, but no net loss of additional wetlands is allowed given the major impacts already imposed past activities. It is incumbent upon EPA to require that all such restrictions on future activities be enforced. And in no case is alteration allowed for redevelopment unrelated to specific remedial objectives. WERC fully expects EPA will insure and require that ALL wetland resources impacted by remedial activities will be fully restored to their natural conditions and functions.

The protective covenant on the southern portion of the Olin property is another example. Disturbance and structures required for cleaning up the property may be allowed, but the primary objective in the negotiations between Olin and the Town was to prevent any additional disturbance to that land. WERC fully expects EPA will not allow the siting of any remedial activity in the Conservation Restriction area to facilitate redevelopment. Only actions essential to the cleanup that cannot be located anywhere else should be permitted, and these should only be temporary.

EPA is aware that WERC continues to have serious concerns about the so-called Containment Area (CA). What does it contain? We are not convinced that the soils, sediments, and waste products Olin placed in the CA have been adequately characterized. In 1990 Olin confirmed the presence of NDMA in groundwater at BR-1, located in what is now the CA, but since then Olin has not divulged much if any information on the specific CoCs within the CA and/or in what volumes. They claim any remaining 'DAPL' in the CA is contained in a bedrock bowl below the level of the slurry wall footings, but is evident that the CA does not contain contaminated groundwater. We have more to say on this topic in our technical comments, but suggest here that, if EPA finds that the CA is not functioning as designed, serious consideration should be given to 'daylighting' the On-Property West Stream, which was culverted at the time the CA was constructed in 2000.

It is our understanding from past conversations with EPA that working documents during the design phase of the remedial work to be done under whichever Action Alternatives are ultimately selected will go out for public comment. Is this assumption on our part correct? WERC has additional comments in reserve that we think more appropriate for submittal during the design phase(s). We'd like to reserve the right to share those comments regarding Olin's proposed 'DAPL' treatment train, for example, with EPA beyond this current comment period if our assumption is incorrect.

WERC also respectfully requests an opportunity to meet again with EPA's team to discuss our technical points in more detail before the RoD is issued. We understand that the comment period will be closed, but given our long history with the site and our amicable working relationship through the years, we feel we deserve an opportunity to explain our rationale for selecting the Action Alternatives we have, so that EPA fully understands our positions on the various clean up components of your plan.

Olin acquired the property on Eames Street in 1980, and continued many of the same products as their predecessors. They also had an agreement with Stepan Company to share costs to clean-up some of the pollution known to be present at the time of the sale. To their credit Olin did institute a number of measures to try and remediate some of the problem areas on the property. Simultaneously they sought to engage additional prior owners in sharing the costs of cleaning up the site, and spent years (and thousands of dollars) litigating their claims. Meanwhile, while their attention was focused on winning in court, Olin's poisons in the ground and the water lingered and spread.

'Natural Attenuation' has been deemed an acceptable remedial action by regulators in various jurisdictions. It means, essentially, 'do nothing and let Nature take her course'. Olin has been 'naturally attenuating' the contamination at the site for 40 years, and its predecessors since the very beginning, now nearly 70 years ago. But, given that EPA has identified hot spots and numerous areas on Olin's property as not yet having achieved appropriate levels as to no longer pose unacceptable risks, it is clear that 'Natural Attenuation' hasn't worked. So, we wonder, how much less expensive would the proposed clean-up scenarios proposed in EPA's Plan have been had the PRP's done due diligence timely, rather than let the years pass and the pollution flow in all directions? Rather than accept Olin's assertion that the cost of remediating OU3 is infeasible, EPA, make the polluters pay every penny they squandered by failing to act responsibly upon their confirming the presence of NDMA way back in 1990.

In 1986 Congress passed the Superfund Amendments and Reauthorization Act (SARA), which in part stressed the importance of permanent remedies and innovative treatment technologies. It's time for EPA to do everything possible *now* to require that all contamination be eliminated wherever possible, and that the concentrations are lowered to the largest degree possible where complete clean-up is not achievable. No more half-measures! We want Clean-up, not Cover-up.

It's time for EPA to address each and every problem area that remains at the site. Remove contamination and either consolidate it within the CA if, indeed, the Containment Area is actually viable, or treat it to safe standards. It is time to finish the job, not just leave CoCs in place to 'naturally attenuate' another 40-50 years. We don't want decades more of monitoring. We want a clean environment.

EPA cannot blame the community for mistrusting Olin or future owner/operators in adhering to 'institutional controls', regardless how rigorous they may seem at the outset. Once those of us with 'institutional history' about the site are gone, all bets are off as to how diligently restrictions will be enforced. EPA should just fix the problems now.

The premise and promise of the Superfund Program is the 'Polluter Pays' principle. Olin has had 40 years to clean up the property at 51 Eames Street, and they have failed. Their only motivation now to implement additional clean-up activities is the anticipated sale of the property; their newfound cooperation to expedite certain aspects of additional groundwater investigations is driven by their desire to claim exemption from decontaminating our aquifer because they waited so long that the cost to do so will likely be astronomical. [*Reap what ye sow! A stitch in time, saves nine.* Fill in with your favorite adage.] EPA, it's time to Make the Polluters Pay!

Thank, you, again, for the opportunity to comment on this critical plan to address many of the problems at the Olin Superfund site in our community. We appreciate the hard work of the entire EPA team, and hope to continue our working relationship as you move forward towards implementing the Action Alternatives adopted in your forthcoming Record of Decision.

Sincerely,

A handwritten signature in cursive script that reads "Martha K. Stevenson".

Martha K. Stevenson
President